

## **V. REMARKS**

1. The specification, drawings and Abstract are amended to address the noted objections.

2. Applicant respectfully traverses the Examiner's rejection of claims 1-11, 13, 15-22 and 30-39, under 35 U.S.C. §101, as not limited to tangible embodiments.

Claim 1 recites a synchronization server, a synchronization system, and a method related thereto. These systems and devices are clearly tangible and statutory subject matter.

Page 6, lines 1-5 describes a networked system in which data of database can be synchronized between synchronization servers and mobile stations MS. A "server" will be well understood to one of skill in the art. This part of the specification clearly discloses a tangible embodiment.

Page 7, lines 30-36 also describes a tangible embodiment. This section, with respect to FIG. 4, relates to a method involving the synchronization server. This is a clearly tangible medium and therefore a tangible embodiment. As such, it is respectfully submitted that the statutory provisions of 35 U.S.C. §101 have been met. If the Examiner is not satisfied, the Examiner is requested to set forth the rejection with more specificity, as the explanation by the examiner is not clear, and the Applicant does not have a clear understanding of the basis of the rejection.

3. Claims 1-11, 13, 15-22 and 30-39 are not anticipated by "SynMC Sync Protocol, Version 1.0.1, 2001" ("SynMC") under 35 U.S.C. §102(b).

The Applicant has an effective filing date that precedes the publication date of SynMC. Therefore, it is not prior art under 35 U.S.C. §102(b).

The provisions of 35 U.S.C. §102(b) require that Applicant's invention be described in a printed publication "more than one year prior to the date of application for patent in the United States".

This is not the case here. Applicant's effective priority date is October 9, 2001. The effective date of SynMC is June 15, 2001. Therefore, it is not a proper prior art reference for purposes of 35 U.S.C. §102(b). Thus, the reference is not effective, and the action is defective.

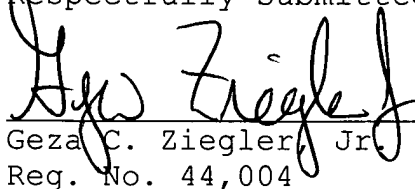
It is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$120 is enclosed for a one-month extension of time.



The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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Reg. No. 44,004

21 OCTOBER 2005  
Date

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#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to MAIL STOP AMENDMENT, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: Oct. 21, 2005

Signature: Meaghan Bayl  
Person Making Deposit

## **II. DRAWING AMENDMENTS**

FIGS. 1 and 2 are proposed to be amended to include the legend "PRIOR ART" as requested by the Examiner.